

ORDINANCE NO. 1956

**AN ORDINANCE TO PROHIBIT THE USE OF WIRELESS
TELECOMMUNICATION DEVICES WHILE OPERATING A
MOTOR VEHICLE IN SCHOOL ZONES BETWEEN THE HOURS OF
7:30 A.M. AND 8:00 A.M. AND BETWEEN THE HOURS
OF 2:30 P.M. AND 3:30 P.M.**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

Section 1. Provisions. It shall be unlawful for the driver of a motor vehicle in a School Zone to operate a wireless telecommunication device between the hours of 7:30 A.M. and 8:00 A.M. and between the hours of 2:30 P.M. and 3:30 P.M. Operating a wireless telecommunication device shall include engaging in a call; writing, sending, or reading text-based communications; accessing, reading, or posting to a social network site or accessing or adding any information to the wireless telecommunication device. The provisions of this Section shall only apply within a school zone upon a public road or highway during posted hours when signs are located in a visible manner in each direction that indicate the use of a hand-held wireless telecommunication device is prohibited while operating a motor vehicle.

Section 2. "Wireless telecommunication device" defined. "Wireless telecommunication device" means a cellular telephone, a text- messaging device, a personal digital assistant, a stand-alone computer, or any other substantially similar wireless device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input. A "wireless telecommunication device" shall not include any device or component that is permanently affixed to a motor vehicle. It does not include a hands-free wireless telephone, an electronic communication device used hands-free, citizens band radios, citizens band radio hybrids, commercial two-way radio communications devices, two-way radio transmitters or receivers used by licensees of the Federal Communication Commission in the Amateur Radio Service, or electronic communication devices with a push-to-talk function.

Section 3. Violations.

(1) Any police officer of the city shall serve upon any responsible person found to be in violation of this section a citation to appear in the municipal court of the city at the time and date specified therein to answer the charge of such violation. If convicted of that violation, the charged person shall be fined \$25.00 for such offense. Except as set forth in subpart 3(2), the charged party may dispose of the charge by settlement by paying this amount to the clerk of the municipal court by 12:00 p.m. on the date the case is set for trial in that court and not be assessed municipal court costs. However, if settlement of an alleged violation is not made with the municipal court clerk before 12:00 p.m. on the date of trial or the municipal court has not otherwise disposed of the charge, the charged party shall not be permitted to settle the alleged violation but shall be required to stand trial in municipal court and shall incur court costs if convicted.

(2) If a person receiving a citation for an offense prohibited in subpart (1) has been convicted of another violation of these provisions within 12 months prior to the date of such citation, the charged party shall not be permitted to settle the alleged violation by payment to the municipal court clerk by 12:00 p.m. of the date of trial, but shall be required to stand trial in municipal court and, in addition to payment of a \$25.00 fine, shall incur a \$20.00 penalty and be assessed court costs if convicted.

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Section 4. Exceptions. The provisions of this ordinance shall not apply to a person who uses a wireless telecommunication device and does any of the following:

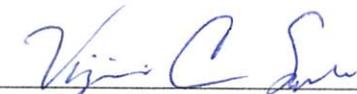
- (1) Reports a traffic collision, medical emergency, or serious road hazard;
- (2) Reports a situation in which the person believes his personal safety is in jeopardy;
- (3) Reports or averts the perpetration or potential perpetration of a criminal act against the driver or another person;
- (4) Operates a wireless telecommunication device while the motor vehicle is lawfully parked; or
- (5) Uses a wireless telecommunication device in an official capacity as an operator of an authorized emergency vehicle.

Section 5. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 6. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

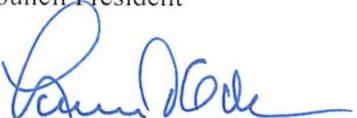
Section 7. Effective Date. This ordinance shall become effective immediately upon adoption, publication as provided by law, and the installation of appropriate traffic signage indicating that the use of wireless telecommunication devices is prohibited.

ADOPTED: This 25 day of July, 2016.



Council President

APPROVED: This 25 day of July, 2016.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on July 25, 2016, same appears in the minutes of record of said meeting, and published by posting copies thereof on July 26, 2016, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilechrist Pharmacy, 2850 Cahaba Road
Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road



City Clerk

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(4) If a person receiving a citation for an offense prohibited in subpart (1) has been convicted of another violation of these provisions within 12 months prior to the date of such citation, the charged party shall not be permitted to settle the alleged violation by payment to the municipal court clerk by 12:00 p.m. of the date of trial, but shall be required to stand trial in municipal court and, in addition to payment of a \$25.00 fine, shall incur a \$20.00 penalty and be assessed court costs if convicted.

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- (6) Reports a traffic collision, medical emergency, or serious road hazard;
- (7) Reports a situation in which the person believes his personal safety is in jeopardy;
- (8) Reports or averts the perpetration or potential perpetration of a criminal act against the driver or another person;
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ADOPTED: This ____ day of _____, 2016.

Council President

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